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7 Attorneys for Complainant

8 BEFORE THE PHYSICIAN'S ASSISTANT EXAMINING COMMITTEE  
9 DIVISION OF ALLIED HEALTH PROFESSIONS  
10 BOARD OF MEDICAL QUALITY ASSURANCE

11 STATE OF CALIFORNIA

12 In the Matter of the Accusation  
13 Against:

14 LAWRENCE C. SMITH  
15 P.O. Box 23  
16 Fall River Mills, CA 96028  
17 License No. PA 10280

18 Respondent.

NO. D-2453

STIPULATION AND  
DECISION OF THE  
PHYSICIAN'S ASSISTANT  
EXAMINING COMMITTEE

18 In the interests of a prompt and speedy settlement of  
19 this matter, consistent with the public interest and the respon-  
20 sibilities of the Physician's Assistant Examining Committee of  
21 the Board of Medical Quality Assurance, IT IS HEREBY STIPULATED  
22 AND AGREED AS FOLLOWS:

23 1. An Accusation No. D-2453 is presently pending  
24 against Lawrence C. Smith, P.A., (hereinafter "respondent") before  
25 the Physician's Assistant Examining Committee (hereinafter  
26 "committee").

1           2. Respondent has fully discussed with his counsel  
2 the charges and allegations of violations of the California  
3 Business and Professions Code alleged in the accusation and has  
4 been fully advised of his rights under the Administrative Pro-  
5 cedure Act, including his right to a formal hearing and an  
6 opportunity to defend against the charges contained therein,  
7 reconsideration, and appeal from any adverse decision which might  
8 be rendered following said hearing.

9           3. Respondent knowingly and intelligently waives  
10 all rights to a hearing, reconsideration and appeal, and any and  
11 all other rights which may be accorded him pursuant to the  
12 Administrative Procedure Act on the charges contained in the  
13 accusation.

14           4. Respondent admits that each and every allegation of  
15 the accusation (a copy of which is attached hereto) is true and  
16 that cause exists thereby to impose discipline upon his license.  
17 The foregoing admission is made for the purpose of this stipu-  
18 lation only, and in the event this Stipulation and Decision is  
19 not adopted by the Committee, the admissions made herein shall  
20 be inadmissible in any proceeding involving the parties to it.

21           WHEREFORE, IT IS STIPULATED THE COMMITTEE MAY ENTER  
22 THE FOLLOWING ORDER:

23           1. License No. PA 10280 issued to respondent Lawrence  
24 C. Smith is revoked, provided, however, that the revocation is  
25 stayed for a period of three (3) years and that during the  
26 three (3) years, respondent shall be placed on probation on the  
27 following terms and conditions:

1 (a) Respondent shall obey all the laws of the  
2 United States, State of California, and its political  
3 subdivisions, and all rules and regulations and laws  
4 pertaining to the practice of a Physician's Assistant  
5 in this state;

6 (b) Respondent during the period of probation  
7 shall report in person to such meetings of the Physician's  
8 Assistant Examining Committee or designated representative(s)  
9 of the committee as directed;

10 (c) Respondent during the period of probation shall  
11 submit verification of actions and reports as are required  
12 by the committee;

13 (d) Within the first year of probation, respondent  
14 shall complete a drug diversion program approved by  
15 the committee. Within 30 days of the effective date of  
16 the decision, respondent shall submit the name and a  
17 description of a drug diversion program for the approval  
18 of the committee. If the submitted program is unaccept-  
19 able, the committee shall provide respondent with the  
20 name of an approved program within 60 days;

21 (e) If respondent is employed as a Physician's  
22 Assistant at any time during the period of probation, he  
23 shall have the employer submit to the board, within four-  
24 teen (14) days of his employment or the effective date of  
25 this decision, written verification that the employer has  
26 read this Stipulation and Decision and the Accusation  
27 attached to it, and understands the conditions of probation;


1 (f) Respondent shall cooperate with the committee  
2 and the Board of Medical Quality Assurance, or any of  
3 its agents or employees, in their supervision and  
4 investigation of his compliance with the terms and  
5 conditions of this probation. Respondent shall, when  
6 requested, submit to such tests and samples as the  
7 committee, or its agents or employees, may require for  
8 the detection of narcotics, hypnotics, and dangerous  
9 drugs, or controlled substances;

10 (g) In the event respondent should leave California  
11 to reside or to practice outside the state, respondent  
12 must notify in writing the board of the dates of depart-  
13 ture and return. Periods of residency or practice  
14 outside California will not apply to the reduction of  
15 this probationary period.

16 (h) If respondent violates probation in any respect,  
17 the board, after giving respondent notice and the oppor-  
18 tunity to be heard, may set aside the stay order and  
19 impose the revocation of the respondent's certificate;

20 (i) Upon successful completion of probation,  
21 respondent's certificate shall be fully restored.

22  
23 DATED: 6-10-80

  
LAWRENCE C. SMITH  
Respondent

24  
25 DATED: June 11, 1980

  
Attorney for Respondent

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DATED: 5/6/80

Evon Dixon-Montgomery  
EVON DIXON-MONTGOMERY  
Executive Secretary  
Physician's Assistant Examining  
Committee  
Complainant

DATED: July 25, 1980

Lawrence C. Kuperman  
LAWRENCE C. KUPERMAN  
Deputy Attorney General  
Attorney for Complainant

The foregoing Stipulation and Decision in settlement  
of Accusation No. D-2453, is accepted by the Physician's  
Assistant Examining Committee as its decision and shall be  
effective on the 7th day of November, 1980.

Marc Babitz, M.D.  
MARC BABITZ, M.D., Chairman  
Physician's Assistant  
Examining Committee

1 GEORGE DEUKMEJIAN, Attorney General  
2 LAWRENCE C. KUPERMAN,  
3 Deputy Attorney General  
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7 Attorneys for Complainant

8 BEFORE THE PHYSICIAN'S ASSISTANT EXAMINING COMMITTEE  
9 DIVISION OF ALLIED HEALTH PROFESSIONS  
10 BOARD OF MEDICAL QUALITY ASSURANCE

11 STATE OF CALIFORNIA

12 In the Matter of the Accusation  
13 Against:

NO. D-2453

ACCUSATION

14 LAWRENCE C. SMITH, P.A.  
15 P.O. Box 23  
16 Fall River Mills, California  
17 96028  
18 Certificate No. PA 10280  
19 Respondent.

20 COMES NOW Complainant, Evon Dixon, who alleges as  
21 follows:

22 1. She is the Executive Secretary of the Physician's  
23 Assistant Examining Committee of the Board of Medical Quality  
24 Assurance and makes and files this accusation in her official  
25 capacity as such and not otherwise.

26 2. Respondent James R. Roach (hereinafter referred  
27 to as "respondent") has been issued Physician's Assistant  
Certificate No. PA 10280.

1           3. Business and Professions Code section 3527 pro-  
2 vides that the committee may order the suspension or revocation  
3 of, or the imposition of probationary conditions upon a  
4 physician's assistant certificate for unprofessional conduct  
5 which includes but is not limited to, a violation of the  
6 Physician's Assistant Practice Act, a violation of the State  
7 Medical Practice Act, or a violation of the regulations adopted  
8 by the committee or the board.

9           4. Business and Professions Code section 3510 provides  
10 that the committee may make and promulgate rules and regulations  
11 as may be necessary to enable it to carry into effect the  
12 provisions of Business and Professions Code sections 3500-3533.

13           5. Business and Professions Code section  
14 2000 et seq. comprise the State Medical Practice Act.

15           6. California Administrative Code section 1399.515(b)  
16 provides that the committee may suspend or revoke the certifi-  
17 cate of a physician's assistant for use of any narcotic as  
18 defined in Division 10, (Commencing with section 11000)  
19 of the Health and Safety Code.

20           7. Business and Professions Code section 2390  
21 provides that the use or self administration of a Schedule II  
22 controlled substance as defined by Health and Safety Code section  
23 11055, or a dangerous drug as defined by Business and Professions  
24 Code 4211, constitutes unprofessional conduct and is a ground  
25 for disciplinary action under the State Medical Practice Act.

26           8. At all times mentioned herein, demerol was a  
27 Schedule II narcotic as defined in Health and Safety Code section

1 11055, and a dangerous drug as defined in Business and  
2 Professions Code section 4211(k).

3 9. The certificate of respondent is subject to  
4 disciplinary action pursuant to Business and Professions Code  
5 section 3527 because respondent violated California Administra-  
6 tive Code section 1399.515(b) in that respondent self adminis-  
7 tered demerol, a Schedule II narcotic as follows:

8 Between on or about July, 1977, and December 7, 1977,  
9 respondent withdrew demerol from its containers at the medical  
10 office where respondent was employed, and injected the demerol  
11 into himself. Respondent thusly injected himself with demerol  
12 approximately two times per week in July, 1977, increasing to  
13 three to four times per week by December, 1977. After removing  
14 the demerol from its containers, respondent refilled the containers  
15 with another substance so that the demerol containers appeared  
16 to be filled.

17 10. The certificate of respondent is subject to  
18 disciplinary action pursuant to Business and Professions Code  
19 section 3527 because respondent violated Business and Professions  
20 Code section 2390 in that respondent self used demerol, a  
21 schedule II narcotic, as more particularly alleged in paragraph 9.

22 WHEREFORE, Complainant prays that the Physician's  
23 Assistant Examining Committee hold a hearing on the allegations  
24 contained herein, and following the hearing, take such action as

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1 is provided for in Business and Professions Code section 3527,  
2 and take such other and further action as may be proper.

3 DATED: October 24, 1979

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5 EVON DIXON  
6 Executive Secretary  
7 Physician's Assistant Examining  
8 Committee

9 Complainant  
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26 LCK:slv  
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